

# Exposure and Medical Monitoring

WAC 296-856-300

## Section Contents

### YOUR RESPONSIBILITY:

**To monitor employee health and workplace exposures to formaldehyde**

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# Exposure and Medical Monitoring

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## Rule

WAC 296-856-30010

### Periodic exposure evaluations



#### Exemption:

Periodic employee exposure monitoring isn't required if exposure monitoring results conducted to fulfill requirements in this chapter, Exposure evaluations, WAC 296-856-20050, are below both the action level (AL) and 15-minute short-term exposure limit (STEL).

### You must

- Obtain employee exposure monitoring results as specified in Table 2 by repeating Steps 1 and 7 of the exposure evaluation process found within this chapter, in Exposure evaluations, WAC 296-856-20050.



#### Note:

If you document that one work shift consistently has higher exposure monitoring results than another for a particular operation, then you may limit sample collection to the work shift with higher exposures and use those results to represent all employees performing the operation on other shifts.

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## Rule

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### Periodic exposure evaluations (continued)

**Table 2**  
**Periodic Exposure Evaluation Frequencies**

If employee exposure monitoring results	Then
Are above the action level (AL) of 0.5 ppm	Conduct additional exposure monitoring at least every 6 months for the employees represented by the monitoring results
Are above the short-term exposure limit (STEL) of 2 ppm	Repeat exposure monitoring at least once a year, or more often as necessary to evaluate employee exposure
Have decreased to below the AL <b>and</b> the STEL <b>and</b> The decrease is demonstrated by 2 consecutive exposure evaluations made at least 7 days apart	You may <b>stop</b> periodic employee exposure monitoring for employees represented by the monitoring results.  <b>Note:</b> You need to monitor again if there is a change in any of the following that may result in new or increased employee exposures: <ul style="list-style-type: none"><li>– Production</li><li>– Processes</li><li>– Exposure controls such as ventilation systems or work practices</li><li>– Personnel</li><li>– Equipment</li></ul>



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WAC 296-856-30020

### Medical and emergency evaluations

#### IMPORTANT:

Medical evaluations completed to meet the respirator use requirements of this section also need to meet the requirements found in a separate chapter, *Respirators, Medical Evaluations, WAC 296-842-140*.

#### You must

- Make medical evaluations available to current employees who:
  - Are exposed to formaldehyde concentrations above the action level (AL) or short-term exposure limit (STEL).
  - Are exposed to formaldehyde during an emergency situation.
  - Develops signs and symptoms commonly associated with formaldehyde exposure.
- Make medical examinations available to current employees as deemed necessary by the LHCP after reviewing the medical disease questionnaire for employees that are presently not required to wear a respirator.
- Complete Steps 1 through 4 of the medical evaluation process at the following times:
  - Initially, when employees are assigned to work in an area where exposure monitoring results are above the action level (AL) or above the STEL.
  - At least every 12 months from the initial medical evaluation for employees exposed to formaldehyde above the action level (AL) or the STEL.
  - Whenever the employee develops signs and symptoms commonly associated with formaldehyde.



#### Note:

Signs and symptoms are rarely associated with formaldehyde concentrations in air less than 0.1 parts per million (ppm), and in materials at concentration levels less than 0.1 percent.

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### Medical and emergency evaluations (continued)

#### You must

- Make medical evaluations available:
  - At no cost to employees, including travel costs and wages associated with any time spent obtaining the medical evaluation.
  - At reasonable times and places.



#### Note:

- Employees who decline to receive a medical evaluation to monitor for health effects caused by formaldehyde aren't excluded from receiving a separate medical evaluation for respirator use.
- If employers discourage participation in medical monitoring for health effects caused by formaldehyde, or in any way interferes with an employee's decision to continue with this program, this interference may represent unlawful discrimination under RCW 49.17.160, Discrimination against employee filing complaint, instituting proceedings, or testifying prohibited-Procedure-Remedy.

#### MEDICAL EVALUATION PROCESS:

- Step 1:** Select a licensed healthcare professional (LHCP) who will conduct or supervise examinations and procedures.
- If the LHCP isn't a licensed physician, make sure individuals who conduct pulmonary function tests, have completed a training course in spirometry, sponsored by an appropriate governmental, academic, or professional institution.



#### Note:

The LHCP must be a licensed physician or supervised by a physician.

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### Medical and emergency evaluations (continued)

- Step 2:** Make sure the LHCP receives all of the following information before the medical evaluation is performed:
- A copy of this chapter.
  - The helpful tools: *Substance Technical Guideline for Formaldehyde, Medical Surveillance, and Medical Disease Questionnaire*.
  - A description of the duties of the employee being evaluated and how these duties relate to formaldehyde exposure.
  - The anticipated or representative exposure monitoring results for the employee being evaluated.
  - A description of the personal protective equipment (PPE) and respiratory protection each employee being evaluated uses or will use.
  - Information in your possession from previous employment-related examinations when this information isn't available to the examining LHCP.
  - A description of the emergency and the exposure, when an examination is provided due to an exposure received during an emergency.
  - Instructions that the written opinions the LHCP provides to you, **does not** include any diagnosis or other personal medical information, **and** is limited to the following information:
    - The LHCP's opinion about whether or not medical conditions were found that would increase the employee's risk for impairment from exposure to formaldehyde.
    - Any recommended limitations for formaldehyde exposure and use of respirators or other PPE.
    - A statement that the employee has been informed of medical results and medical conditions caused by formaldehyde exposure requiring further examination or treatment.
- Step 3:** Make a medical evaluation available to the employee. Make sure it includes the content listed in Table 3, Content of Medical Evaluations.

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WAC 296-856-30020

### Medical and emergency evaluations (continued)

- Step 4:** Obtain the LHCP's written opinion for the employee's medical evaluation and make sure the employee receives a copy within 5 business days after you receive the written opinion.
- Make sure the written opinion is limited to the information specified for written opinions in Step 2.



**Note:**

If the written opinion contains specific findings or diagnoses unrelated to occupational exposure, send it back and obtain a revised version without the additional information.

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### Medical and emergency evaluations (continued)

**Table 3**  
**Content of Medical Evaluations**

When conducting an	Include
Initial or Annual evaluation	<ul style="list-style-type: none"> <li>• A medical disease questionnaire that provides a work and medical history with emphasis on:                             <ul style="list-style-type: none"> <li>– Upper or lower respiratory problems</li> <li>– Allergic skin conditions or dermatitis</li> <li>– Hyper reactive airway diseases</li> <li>– Eyes, nose, and throat irritation</li> </ul> </li> <li>• Physical examinations deemed necessary by the LHCP, that include at a minimum:                             <ul style="list-style-type: none"> <li>– Examinations with emphasis on evidence of irritation or sensitization of skin, eyes, and respiratory systems, and shortness of breath</li> <li>– Counseling, provided by the LHCP to the employee as part of the medical examination if the LHCP determines that the employee has a medical condition that may be aggravated by formaldehyde exposure</li> </ul> </li> <li>• Pulmonary function tests for respirator users, that include at a minimum:                             <ul style="list-style-type: none"> <li>– Forced vital capacity (FVC)</li> <li>– Forced expiratory volume in one second (FEV1)</li> <li>– Forced expiratory flow (FEF)</li> </ul> </li> </ul>
Emergency exposure evaluation	<ul style="list-style-type: none"> <li>• A medical evaluation that includes a work history with emphasis on evidence of upper or lower respiratory problems, allergic conditions, skin reaction, or hypersensitivity, and any evidence of eye, nose, or throat irritation</li> <li>• Additional examinations the licensed healthcare professional (LHCP) believes appropriate, based on the employee's exposure to formaldehyde</li> </ul>
Evaluation of reported signs and symptoms	<ul style="list-style-type: none"> <li>• A medical disease questionnaire that provides a work and medical history with emphasis on:                             <ul style="list-style-type: none"> <li>– Upper or lower respiratory problems</li> <li>– Allergic skin conditions or dermatitis</li> <li>– Hyper reactive airway diseases</li> <li>– Eyes, nose, and throat irritation</li> </ul> </li> <li>• A physical examination if considered necessary by the LHCP that includes at a minimum:                             <ul style="list-style-type: none"> <li>– Examinations with emphasis on evidence of irritation or sensitization of skin, eyes, respiratory systems, and shortness of breath</li> <li>– Counseling if the LHCP determines that the employee has a medical condition that may be aggravated or caused by formaldehyde exposure</li> </ul> </li> </ul>

# Exposure and Medical Monitoring

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## Rule

WAC 296-856-30030

### Medical removal



#### Exemption:

Medical removal or restrictions don't apply when skin irritation or skin sensitization occurs from products that contain less than 0.05 percent of formaldehyde.

### IMPORTANT:

- This section applies when an employee reports irritation of the mucosa of the eye or the upper airways, respiratory sensitization, dermal irritation, or skin sensitization from formaldehyde exposure.
- When determining the content of formaldehyde in materials that employees have exposure to, you may use documentation, such as manufacturer's data, or independent laboratory analyses.

### You must

- Complete Steps 1 through 4 of the medical evaluation process for removal of employees, in this section, for employees that report signs and symptoms of formaldehyde exposure.



#### Note:

When the employee is exposed to products containing less than 0.1 percent formaldehyde, the LHCP can assume, absent of contrary evidence, that employee signs and symptoms aren't due to formaldehyde exposure.

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## Rule

WAC 296-856-30030

### Medical removal (continued)

#### MEDICAL EVALUATION PROCESS FOR REMOVAL OF EMPLOYEES:

- Step 1:** Provide the employee with a medical evaluation by an LHCP selected by the employer.
- Step 2:** Based on information in the medical questionnaire the LHCP will determine if the employee will receive an examination as described in Table 3, Content of Medical Evaluations, in Medical and emergency evaluations, WAC 296-856-30020.
- If the LHCP determines that a medical examination isn't necessary, there will be a 2-week evaluation and correction period to determine whether the employee's signs and symptoms resolve without treatment, from the use of creams, gloves, first-aid treatment, personal protective equipment, or industrial hygiene measures that reduce exposure.
    - If before the end of the 2-week period the employee's signs or symptoms worsen, immediately refer them back to the LHCP.
    - If signs and symptoms persist after the 2-week period, the LHCP will administer a physical examination as outlined in Table 3, Content of Medical Evaluations, in Medical and emergency evaluations, WAC 296-856-30020.
- Step 3:** Promptly follow the LHCP's restrictions or recommendations. If the LHCP recommends removal from exposure, do either of the following:
- Transfer the employee to a job currently available that:
    - The employee qualifies for, or could be trained for, in a short period of time (up to 6 months)
    - and**
    - Will keep the employee's exposure to as low as possible, and never above the AL of 0.5 parts per million.
  - Remove the employee from the workplace until either:
    - A job becomes available that the employee qualifies for, or could be trained for in a short period of time **and** will keep the employee's exposure to as low as possible and never above the AL
    - or**
    - The employee is returned to work or permanently removed from formaldehyde exposure, as determined by completing Steps 1 through 3 of the medical evaluation process for removal of employees, in this section.

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# Exposure and Medical Monitoring

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## Rule

WAC 296-856-30030

### Medical removal (continued)

**Step 4:** Make sure the employee receives a follow-up examination within 6 months from being removed from the formaldehyde exposure by the LHCP. At this time, the LHCP will determine if the employee can return to their original job status, or if the removal is permanent.

### You must

- Maintain the employee's current pay rate, seniority, and other benefits if:
    - You move them to a job that they qualify for, or could be trained in a short period of time, and will keep the employee's exposure to as low as possible and never above the AL
  - or**
  - In the case there is no such job available, then until they are able to return to their original job status or after 6 months, which ever comes first.
-  **Note:**
- If you must provide medical removal benefits and the employee will receive compensation for lost pay from other sources, you may reduce your medical removal benefit obligation to offset the amount provided by these sources.
  - Examples of other sources are:
    - Public or employer-funded compensation programs.
    - Employment by another employer, made possible by the employee's removal.
- Make medical evaluations available:
    - At no cost to employees, including travel costs and wages associated with any time spent obtaining the medical examinations and evaluations.
    - At reasonable times and places.



# Exposure and Medical Monitoring

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## Rule

WAC 296-856-30040

### Multiple LHCP review

#### IMPORTANT:

This section applies each time a medical examination or consultation is performed to determine whether medical removal or restriction is required.

#### You must

- Promptly notify employees that they may seek a second medical opinion from an LHCP of their choice, each time a medical examination or consultation is conducted by an LHCP selected by the employer to evaluate medical removal.
  - At a minimum, this notification must include the details of your multiple physician review process.



**Note:**

Notification may be provided in writing or by verbal communication.

#### You must

- Complete requirements in the multiple LHCP review process once you have been informed of an employee's decision to seek a second medical opinion.
- Pay for and complete the multiple LHCP review process for employees who:
  - Inform you in writing or by verbal communication that they will seek a second medical opinion.
  - Initiate steps to make an appointment with the LHCP they select. This LHCP will be referred to as the second LHCP.
  - Fulfill the previous actions to inform you, and initiate steps for an appointment, within 15 days from receiving either your notification or the initial LHCP's written opinion, whichever is received later.



**Note:**

This process allows for selection of a second LHCP and, when disagreements between LHCPs persist, for selection of a third LHCP.

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## Rule

WAC 296-856-30040

### Multiple LHCP review (continued)

#### MULTIPLE LHCP REVIEW PROCESS:

- Step 1:** Make sure the information required by Step 4 of the medical evaluation process is received by the second LHCP. This process is located in the section, Medical and emergency evaluations, WAC 296-856-30020.
- This requirement also applies when a third LHCP is selected.
- Step 2:** Allow the second LHCP to:
- Review findings, determinations, or recommendations from the original LHCP you selected
- and**
- Conduct medical examinations, consultations, and laboratory tests as necessary to complete their review.
- Step 3:** Obtain a written opinion from the second LHCP and make sure the employee receives a copy within 5 business days from the date you receive it. If findings, determinations, and recommendations in the written opinion are:
- Consistent with the written opinion from the initial LHCP, you can end the multiple physician review process. Make sure you follow the LHCP's recommendations.
  - Inconsistent with the written opinion from the initial LHCP, then you and the employee must make sure efforts are made for the LHCPs to resolve any disagreements.
    - If the LHCPs quickly resolve disagreements, you can end the multiple physician review process. Make sure you follow the LHCP's recommendations.
    - If disagreements aren't resolved within 30 business days, continue to Step 4.

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## Rule

WAC 296-856-30040

### Multiple LHCP review (continued)

- Step 4:** You and the employee must work through your respective LHCPs to agree on the selection of a third LHCP, or work together to designate a third LHCP to:
- Review findings, determinations, or recommendations from the initial and second LHCP
- and**
- Conduct medical examinations, consultations, and laboratory tests as necessary to resolve disagreements between the initial and second LHCP.
- Step 5:** Obtain a written opinion from the third LHCP and make sure the employee receives a copy within 5 business days from the day you receive it.
- Follow the third LHCP's recommendations, unless you and the employee agree to follow recommendations consistent with at least one of the 3 LHCPs.



# Exposure and Medical Monitoring

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## Rule

WAC 296-856-30050

### Medical records

#### IMPORTANT:

This section applies when a medical evaluation is performed or any time a medical record is created for an employee exposed to formaldehyde.

#### You must

- Establish and maintain complete and accurate medical records for each employee receiving a medical evaluation for formaldehyde and make sure the records include all the following:
  - The employee's name and unique identifier.
  - A description of any health complaints that may be related to formaldehyde exposure.
  - A copy of the licensed healthcare professional's (LHCP's) written opinions.
  - Exam results.
  - Medical questionnaires.
- Maintain medical records for the duration of employment plus 30 years.



#### Note:

- Employee medical records need to be maintained in a confidential manner. The medical provider may keep these records for you.
- Medical records may only be accessed with the employee's written consent.



#### Reference:

For additional requirements that apply to employee exposure records, including access and transfer requirements, go to Employee Medical and Exposure Records, Chapter 296-802 WAC, a separate chapter.

